



General Assembly

February Session, 2022

***Raised Bill No. 357***

LCO No. 2234



Referred to Committee on INSURANCE AND REAL ESTATE

Introduced by:  
(INS)

***AN ACT CONCERNING COPAY ACCUMULATOR PROGRAMS AND HIGH DEDUCTIBLE HEALTH PLANS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 38a-477ff of the 2022 supplement to the general  
2 statutes is repealed and the following is substituted in lieu thereof  
3 (*Effective from passage and applicable to policies delivered, issued for delivery,*  
4 *renewed, amended or continued on or after January 1, 2022*):

5 (a) Each insurer, health care center, hospital service corporation,  
6 medical service corporation, fraternal benefit society or other entity that  
7 delivers, issues for delivery, renews, amends or continues an individual  
8 or group health insurance policy in this state on or after January 1, 2022,  
9 providing coverage of the type specified in subdivisions (1), (2), (4), (11)  
10 and (12) of section 38a-469 shall, when calculating an insured's liability  
11 for a coinsurance, copayment, deductible or other out-of-pocket expense  
12 for a covered benefit, give credit for any discount provided or payment  
13 made by a third party for the amount of, or any portion of the amount  
14 of, the coinsurance, copayment, deductible or other out-of-pocket  
15 expense for the covered benefit.

16       (b) The provisions of subsection (a) of this section shall apply to a  
17 high deductible health plan, as that term is used in subsection (f) of  
18 section 38a-493 or subsection (f) of section 38a-520, as applicable, to the  
19 maximum extent permitted by federal law, except if such plan is used  
20 to establish a medical savings account or an Archer MSA pursuant to  
21 Section 220 of the Internal Revenue Code of 1986, or any subsequent  
22 corresponding internal revenue code of the United States, as amended  
23 from time to time, or a health savings account pursuant to Section 223  
24 of said Internal Revenue Code, as amended from time to time, the  
25 provisions of said subsection (a) shall apply to such plan to the  
26 maximum extent that (1) is permitted by federal law, and (2) does not  
27 disqualify such account for the deduction allowed under said Section  
28 220 or 223, as applicable.

29       Sec. 2. Section 38a-477gg of the 2022 supplement to the general  
30 statutes is repealed and the following is substituted in lieu thereof  
31 (*Effective from passage and applicable to contracts entered into on or after*  
32 *January 1, 2022*):

33       (a) On and after January 1, 2022, each contract entered into between  
34 a health carrier, as defined in section 38a-591a, and a pharmacy benefits  
35 manager, as defined in section 38a-479aaa, for the administration of the  
36 pharmacy benefit portion of a health benefit plan in this state on behalf  
37 of plan sponsors shall require that the pharmacy benefits manager,  
38 when calculating an insured's or enrollee's liability for a coinsurance,  
39 copayment, deductible or other out-of-pocket expense for a covered  
40 prescription drug benefit, give credit for any discount provided or  
41 payment made by a third party for the amount of, or any portion of the  
42 amount of, the coinsurance, copayment, deductible or other out-of-  
43 pocket expense for the covered prescription drug benefit.

44       (b) The provisions of subsection (a) of this section shall apply to a  
45 high deductible health plan, as that term is used in subsection (f) of  
46 section 38a-493 or subsection (f) of section 38a-520, as applicable, to the  
47 maximum extent permitted by federal law, except if such plan is used  
48 to establish a medical savings account or an Archer MSA pursuant to

49 Section 220 of the Internal Revenue Code of 1986, or any subsequent  
50 corresponding internal revenue code of the United States, as amended  
51 from time to time, or a health savings account pursuant to Section 223  
52 of said Internal Revenue Code, as amended from time to time, the  
53 provisions of said subsection (a) shall apply to such plan to the  
54 maximum extent that (1) is permitted by federal law, and (2) does not  
55 disqualify such account for the deduction allowed under said Section  
56 220 or 223, as applicable.

57 Sec. 3. Section 38a-478w of the 2022 supplement to the general  
58 statutes is repealed and the following is substituted in lieu thereof  
59 (*Effective from passage and applicable to contracts delivered, issued for*  
60 *delivery, renewed, amended or continued on or after January 1, 2022*):

61 (a) For any contract delivered, issued for delivery, renewed, amended  
62 or continued in this state on or after January 1, 2022, each managed care  
63 organization shall, when calculating an enrollee's liability for a  
64 coinsurance, copayment, deductible or other out-of-pocket expense for  
65 a covered benefit, give credit for any discount provided or payment  
66 made by a third party for the amount of, or any portion of the amount  
67 of, the coinsurance, copayment, deductible or other out-of-pocket  
68 expense for the covered benefit.

69 (b) The provisions of subsection (a) of this section shall apply to a  
70 high deductible health plan, as that term is used in subsection (f) of  
71 section 38a-493 or subsection (f) of section 38a-520, as applicable, to the  
72 maximum extent permitted by federal law, except if such plan is used  
73 to establish a medical savings account or an Archer MSA pursuant to  
74 Section 220 of the Internal Revenue Code of 1986, or any subsequent  
75 corresponding internal revenue code of the United States, as amended  
76 from time to time, or a health savings account pursuant to Section 223  
77 of said Internal Revenue Code, as amended from time to time, the  
78 provisions of said subsection (a) shall apply to such plan to the  
79 maximum extent that (1) is permitted by federal law, and (2) does not  
80 disqualify such account for the deduction allowed under said Section  
81 220 or 223, as applicable.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage and applicable to policies delivered, issued for delivery, renewed, amended or continued on or after January 1, 2022</i>	38a-477ff
Sec. 2	<i>from passage and applicable to contracts entered into on or after January 1, 2022</i>	38a-477gg
Sec. 3	<i>from passage and applicable to contracts delivered, issued for delivery, renewed, amended or continued on or after January 1, 2022</i>	38a-478w

**INS**      *Joint Favorable*